

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Robert Frederick et al.
Application No. : 10/766,697
Filed : January 27, 2004
For : Providing a Marketplace for Web Services

Examiner : Amee A. Shah
Art Unit : 3625
Docket No. : 120137.481
Date : May 6, 2008

Mail Stop Amendment
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION UNDER 37 C.F.R. § 1.131 OF JAMES A. D. WHITE

Sir:

I, James A. D. White, hereby declare that:

1. I am a patent attorney who participated in the preparation of the above-referenced patent application.

2. I have reviewed the Office Actions in the above-referenced patent application dated as follows: December 6, 2006; August 3, 2007; and December 13, 2007. The Office Actions rejected claims 16, 21, 24, 28, 85, 86, and 88-93 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication 2005/0125389 to Hazzard et al. (hereinafter "Hazzard"), which was filed on December 9, 2003 and published on June 9, 2005.

3. Prior to the December 9, 2003 filing date of Hazzard, I received a copy of a functional specification demonstrating conception of the subject matter of the pending claims, of which a redacted copy is attached as Exhibit A to the Declaration Under 37 C.F.R. § 1.131 of the inventors, previously filed on May 31, 2007.

4. Prior to the December 9, 2003 filing date of Hazzard, I participated in an invention disclosure meeting with multiple of the inventors, in which those inventors conveyed to me the subject matter of the above-referenced patent application.

5. Beginning prior to the December 9, 2003 filing date of Hazzard, and continuing until the constructive reduction to practice on January 27, 2004 from the filing of the above-referenced patent application, I diligently participated in the preparation of the above-referenced patent application on a regular basis. In particular, before the December 9, 2003 filing date of Hazzard, I began activities related to preparation of the above-referenced patent application, including spending over 7 hours on November 11, 2003 on such activities. The activities that I performed on November 11, 2003 for the above-referenced application included activities after the invention disclosure meeting to identify and summarize information about patentable aspects to be pursued, and this matter was then placed in a chronological queue of work to be performed. On December 17, 2003, I initiated continuing activities for the above-referenced application that included beginning preparation of the claims, drawings and specification of the above-referenced application, with the application preparation work continuing as indicated in the table below until the filing of the above-referenced application on January 27, 2004. During the period of time between November 11, 2003 and December 17, 2003, I generally worked in an expeditious manner on a backlog of other unrelated matters that chronologically arose before the above-referenced application. In particular, based on a review of available records of work performed during that period, as well as an existing policy at that time to perform work in a chronological manner absent exigent circumstances, I believe that the beginning of the preparation of the claims, drawings and specification of the above-referenced application on December 17, 2003 was performed in chronological order with respect to the other matters that were worked on between November 11, 2003 and December 17, 2003, and in particular with respect to the other matters that were worked on during the period of time from just prior to December 9, 2003 until December 17, 2003, with the possible exception of less than 8 hours total spent on matters whose time-sensitivity necessitated a direct response and whose date of chronological initiation is unclear from the available records.

The list of hours worked below shows at least some of the days on which application preparation and filing activities occurred during the relevant period. The inventors also spent

time during the indicated time period in reviewing and verifying the described subject matter of the application.

Day	Hours Worked	Activity
November 11, 2003	more than 7	After the disclosure meeting, identify and summarize information about patentable aspects to be pursued, and place matter in chronological queue of work to be performed
<i>November 12, 2003 – December 16, 2003</i>	<i>Average at least 8 per business day</i>	<i>Perform work on other matters that chronologically arose before the above-referenced application, as discussed above</i>
December 17, 2003	more than 7	Begin preparation of the claims, drawings and specification of the application
December 18, 2003	from 0-1	Work on preparation of the application
December 21, 2003	more than 6	Work on preparation of the application
December 31, 2003	more than 4	Work on preparation of the application
January 5, 2004	more than 9	Work on preparation of the application
January 6, 2004	more than 6	Work on preparation of the application
January 9, 2004	more than 5	Work on preparation of the application
January 12, 2004	from 0-1	Work on preparation of the application
January 21, 2004	from 0-1	Work on preparation of the application
January 22, 2004	from 0-1	Work on preparation of the application
January 27, 2004	from 0-1	Work on filing of the application
At least January 20, 2004 / January 22, 2004 / January 23, 2004 / January 26, 2004		Work by inventors on reviewing portions of the application

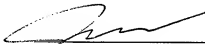
6. In summary, upon review of our records, I readily conclude that prior to December 9, 2003 (the effective date of the Hazzard published application), the inventors of the above-referenced application had conceived of the presently claimed invention, and that the

inventors and I diligently pursued the constructive reduction of practice of the claimed invention from at least December 8, 2003 through January 27, 2004.

7. I hereby declare that all statements made herein of my own knowledge are true and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the patent application or any patent issued therefrom.

5/6/08

Date



James A. D. White